



BILL DE BLASIO
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



FREDERICK DAVIE
CHAIR

To: Senior Staff
From: Olas Carayannis, Deputy Chief of Special Operations
Dane Buchanan, Deputy Chief of Investigations
Date: June 26, 2020
Re: BWC Landscape

As of June 26, 2020, the NYPD has not provided any responses to 1137 requests for Body Worn Camera footage affecting 1032 complaints against NYPD MOS in the CCRB's jurisdiction (see the enclosed spreadsheet for details). At least 40% of these requests are over 90 days old. On June 3, 2020, this number was 907. In the intervening days, through negotiations with the NYPD, 129 responses have been received relating to the most recent protest cases and yet the number of outstanding requests has outstripped the rate at which the NYPD has been responsive, with the number hovering somewhere near the 1100 from day-to-day.

On February 27, 2020, the CCRB issued a report regarding the impact of Body Worn Camera on CCRB Investigations, declaring that they are absolutely pivotal to coming to a disposition on the merits for allegations of misconduct. Officers, who have ready access and a Patrol Guide mandate to be allowed to view their own footage prior to any CCRB interview, cannot be interviewed without the investigator being given access to these videos. The withholding of BWC footage stops investigations and prevents the CCRB from providing adequate and meaningful oversight of the NYPD. The BWC program, established as a result of the Floyd litigation as a measure to oversee the police, has at once produced extraordinarily reliable evidence for civilian oversight investigations and has also perversely empowered the NYPD to control the pace of said investigations.

BWC footage is readily and easily used against members of the public, being immediately electronically linked to an arrest report for the easier prosecution of civilian crimes, but the situation for New York City oversight of police has steadily grown worse during the duration of a BWC program intended primarily to aid oversight.

While the pandemic bears some blame for the backlog, CCRB Investigators have been assiduously working throughout the period and with direct access to the BWC database would have been able to successfully retrieve the video relevant to these hundreds of complaints. Instead, in the month of May they requested BWC in 212 cases and, received 33 responses. In the event of any other future external circumstances that might force New York City government employees to work from home much of the time, including a second wave of COVID-19, direct access to the NYPD BWC database will be one of the only ways for those experiencing police misconduct to see timely justice.

The situation is untenable. The struggle for access to BWC is the struggle for the future of civilian oversight. In this era of rightfully increased scrutiny of police accountability, we urge the Agency to seize this moment to do everything in its power to obtain unmediated direct access to BWC footage.